



Docket No.: 199509US0PCT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



ATTORNEYS AT LAW

NORMAN F. OBLON
(703) 413-3000
NOBLON@OBLON.COM

VINCENT K. SHIER
(703) 413-3000
VSHIER@OBLON.COM

RE: Application Serial No.: 09/744,247
Applicants: Francesco PARENTI, et al.
Filing Date: January 30, 2001
For: NEW INJECTABLE FORMULATIONS
CONTAINING RAMOPLANIN
Group Art Unit: 1653
Examiner: D. LUKTON

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SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT (3 pp.)

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

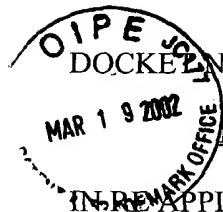
Norman F. Oblon
Attorney of Record
Registration No. 24,618



22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Vincent K. Shier, Ph.D.
Registration No. 50,552



DOCKET NO.: 199509US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Francesco PARENTI, et al.

: GROUP ART UNIT: 1653

SERIAL NO.: 09/744,247

:

FILED: JANUARY 30, 2001

: EXAMINER: LUKTON

FOR: NEW INJECTABLE FORMULATIONS CONTAINING RAMOPLANIN

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

In response to the Official Action dated February 19, 2002, Applicants elect, with traverse, Group I, Claims 1-5, 9-18, 20-35. In addition, Applicants elect, with traverse, ramoplanin as shown in Formula (I) (page 2) and where the substituents R and R' are as defined in the table on page 4 (and reproduced below). Further, Applicants elect, with traverse soybean oil as a species of vegetable oil and egg yolk phospholipids as a species of emulsifier. No election of a specific triglyceride is required by the election of Group I. Claims 1-35 read on the elected species.

REMARKS

The Office has restricted this application under 35 U.S.C. §121 as follows:

- Group I: Claims 1-5, 9-18, 20-35, drawn to a composition which permits, but does not require, a triglyceride;
- Group II: Claims 6 and 8, drawn to compositions which require a triglyceride (apart from what may present in the naturally occurring vegetable oil); and
- Group III: Claims 18-19, drawn to a "kit".

In addition, an election of a single disclosed Species is required for each of the following: